

SERVICE DATE – APRIL 11, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 772X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN GREENBRIER
AND NICHOLAS COUNTIES, W. VA.

Decided: April 10, 2018

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 14.4-mile rail line, known as the G&E Subdivision, in the Southern Region, Florence Division, between milepost CAJ 0.0 at the switch to the Sewell Valley Subdivision mainline track in Rainelle, and the end of the line at milepost CAJ 14.43 about two miles northeast of Green Valley, in Greenbrier and Nicholas Counties, W. Va. (the Line).¹ Notice of the exemption was served and published in the Federal Register on September 15, 2017 (82 Fed. Reg. 43,447). The exemption became effective on October 17, 2017.

By decision served on October 13, 2017, the Board imposed a historic preservation condition under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 30618 (NHPA), recommended by the Board's Office of Environmental Analysis (OEA). The historic preservation condition requires CSXT to (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process has been completed; (b) report back to OEA regarding any consultations with the West Virginia State Historic Preservation Office (SHPO), appropriate federally recognized tribes, and the public; and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

In a Supplemental Final Environmental Assessment (EA) dated March 23, 2018, OEA states that it received a letter from the SHPO dated November 30, 2017, stating that the proposed abandonment would not adversely affect historic properties within the Area of Potential Effect if the railroad filled out the required Historic Property Inventory (HPI) forms and submitted them to the SHPO. Subsequently, by letter dated March 2, 2018, the SHPO confirmed that the HPI forms had been submitted and that no further consultation was required. Based on this comment,

¹ In its verified notice, CSXT stated that, following abandonment, it plans to reclassify the Line as a spur track and lease it to a customer who plans to redevelop the site and use the track to reach its facility.

OEA has determined that the proposed abandonment would have no effect on historic properties listed in or eligible for listing in the National Register and that the Board has satisfied its responsibilities under Section 106. OEA therefore recommends that the Board remove the Section 106 condition.

Therefore, consistent with OEA's recommendation, the Section 106 historic preservation condition will be removed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the October 13, 2017 decision is removed.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.